

May 9, 1975

SENATOR GOODRICH: Yes. Senator Marvel, I'm thinking specifically of Fort Omaha. If it's given to Metro Tech, say the next day after we adjourn, if we're still in session we're OK. If it's not ... if we're not in session could face a problem of having ... if we have the Legislature in here, spelling out the Legislature has to also approve it, we'd face a problem of having to wait until January. Is there a way ... I understand there's a possibility at least that the Executive Board could accept something in behalf of the Legislature, or act in behalf of the Legislature, except in cases where it might obligate the state. If that is the case, I'm not absolutely sure how everybody would interpret it especially the Attorney General whether it is or is not an obligation, that sort of thing. I'm thinking in terms of, shouldn't we spell out, so that it would be clear, that the ... in this type of amendment instead of saying Legislature ... say Legislature or Executive Board of the Legislature, when the Legislature is not in session. Would you give us your idea on that.

SENATOR MARVEL: If you're asking my opinion ... are you speaking to these amendments, or are you asking about something else?

SENATOR GOODRICH: No, these amendments. You've got a clause you're putting in every bill to the effect that the Legislature has to agree, the Governor and the Legislature both have to agree, to the acceptance of a gift over \$10,000. Consequently, that's bothering me. I'm saying ...

SENATOR MARVEL: Well let me speak to it. This is Senator Cavanaugh's motion, maybe he wants to make a comment. Let me put it this way, as far as I'm concerned the Legislative Council Executive Board, which represents the Legislature when we aren't in session, has certain powers. As far as I'm concerned they do not have powers to obligate the state, and in this case the Legislature, for any type of expenditures. The only way that you get an obligation on expenditures ... the Supreme Court notwithstanding as far as time concerned ... is to do it in this body when we're in session. There's no other way that I know you can do it.

SENATOR GOODRICH: I agree and so that's why I think it's important that we go ahead and add the extra clause to the effect that the Executive Board can, in this type of case, act in behalf of the Legislature with the exception of they can't appropriate money. We're not trying to give them that authority or anything. Spell out in these acceptances of gifts that they can act in behalf of the Legislature when the Legislature is not in session.

I'll direct this to Senator Cavanaugh also and see what he ...

SENATOR MARVEL: I would make one other comment before I let go of the mic, that is: I don't think you can do, by indirection, what you can't do directly. I think without trying to pass judgement on whether Fort Omaha ought to be accepted or not, I think that the Attorney General's office which is of course not the final authority should be approached on this matter to find out if an opinion. I don't think you can indirectly do what you can't do directly.